

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF RHODE ISLAND; STATE OF
NEW YORK; STATE OF HAWAI'I; STATE
OF ARIZONA; STATE OF CALIFORNIA;
STATE OF COLORADO; STATE OF
CONNECTICUT; STATE OF DELAWARE;
STATE OF ILLINOIS; STATE OF MAINE;
STATE OF MARYLAND;
COMMONWEALTH OF MASSACHUSETTS;
PEOPLE OF THE STATE OF MICHIGAN;
STATE OF MINNESOTA; STATE OF
NEVADA; STATE OF NEW JERSEY; STATE
OF NEW MEXICO; STATE OF OREGON;
STATE OF VERMONT; STATE OF
WASHINGTON; STATE OF WISCONSIN,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; INSTITUTE OF
MUSEUM AND LIBRARY SERVICES;
KEITH E. SONDERLING, in his official
capacity as Acting Director of the Institute of
Museum and Library Services; MINORITY
BUSINESS AND DEVELOPMENT AGENCY;
MADIHA D. LATIF, in her official capacity as
Deputy Under Secretary of Commerce for
Minority Business Development; HOWARD
LUTNICK, in his official capacity as Secretary
of Commerce; FEDERAL MEDIATION AND
CONCILIATION SERVICE; GREGORY
GOLDSTEIN, in his official capacity as Acting
Director of the Federal Mediation and
Conciliation Service; U.S. OFFICE OF
MANAGEMENT AND BUDGET; RUSSELL
T. VOUGHT, in his official capacity as Director
of the Office of Management and Budget,

Defendants.

C.A. No. 1:25-cv-00128

DECLARATION OF NANCY O'NEILL

Pursuant to 28 U.S.C. § 1746, I, Nancy O'Neill, hereby declare as follows:

1. I am a resident of Maryland. I am over the age of 18 and have personal knowledge of all the facts stated herein, except as to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I currently serve as Executive Director of William E. Kirwan Center for Academic Innovation (Kirwan Center) at the University System of Maryland (USM).

3. USM is Maryland's public higher education system and includes 12 constituent institutions of higher education and three regional higher education centers.

4. Established in 2013 by the USM Board of Regents, the Kirwan Center coordinates efforts among USM's institutions and regional higher education centers to increase access, affordability, and achievement of high-quality credentials for students across Maryland. The Kirwan Center leverages learning sciences research and the latest technologies to implement, evaluate, scale, and sustain innovations aimed at student success.

5. In 2023, USM was awarded Grant No. LG-254836-OLS-23 by the Institute of Museum and Library Services (IMLS) in the amount of \$149,877. *See* Ex. A.

6. The purpose of the Grant was to "plan a project to articulate the role of academic libraries and library consortia in increasing the relevance of open educational resources through [open educational resources (OER)] localization," thereby "contributing to student success through the development and sustained support of relevant, constituency-oriented instructional materials and practices." *Id.*

7. The Grant also “s[ought] to explicate the replicable practices and partnerships that enable localization of OER to benefit the constituencies that academic libraries and consortia across the country serve: their students, faculty, institutions, and larger communities.” *Id.*

8. On April 9, 2025, at 10:15 pm, I received a Notice of Grant Termination signed by IMLS’s Acting Director, Keith Sonderling. Ex. B.

9. The Notice, dated April 8, 2025, announced that the Grant would be terminated effective that day (i.e., one day before I received the Notice). *Id.*

10. The Notice stated that “IMLS has determined that your grant is unfortunately no longer consistent with the agency’s priorities and no longer serves the interest of the United States and the IMLS Program. IMLS is repurposing its funding allocations in a new direction in furtherance of the President’s agenda. Independently and secondly, the President’s March 14, 2025 executive order mandates that the IMLS eliminate all non-statutorily required activities and functions. *See Continuing the Reduction of the Federal Bureaucracy*, E.O. 14238 (Mar. 14, 2025).” *Id.*

11. The cancellation of this Grant has resulted in USM’s loss of \$67,780 in federal funds and will lead to the loss of an important framework that was in development at the time of the cancellation; canceled regional events with university library leaders, staff, and other key stakeholders; and canceled subcontracts with university and community partners.

12. The cancellation of this Grant with minimal explanation also will have a chilling effect on USM’s work. USM will not be able to dedicate the resources to complete the framework this Grant was designed to deliver. As a planning Grant, the deliverables and ideas generated from the dedicated Grant resources were intended to lead to additional grant-seeking and opportunities for the Kirwan Center, the USM, and the State of Maryland. This Grant created a unique

opportunity that brought together key stakeholders across universities, libraries, and the community to collaborate on programs and planning that will ultimately improve student success outcomes while simultaneously saving students money through increased localization of open educational resources. The cancellation will impact the nascent relationships between USM universities' teaching faculty and libraries, as libraries have not traditionally been foregrounded in the adaptation of open educational resources in university settings as part of the Kirwan Center's OER leadership efforts within Maryland.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct.

Executed on April 11, 2025, at Adelphi, Maryland.

Nancy O'Neill

Nancy O'Neill

EXHIBIT A

LG-254836-OLS-23

Program National Leadership Grants - Libraries

Fiscal Year 2023

Federal Funds \$149,877

City Adelphi

State MD

University System of Maryland

Log Number: **LG-254836-OLS-23**

The University System of Maryland will plan a project to articulate the role of academic libraries and library consortia in increasing the relevance of open educational resources through OER localization. The goal is to develop a framework that can be used across academic library and consortial contexts to position those entities as leaders in and supporters of OER localization. The grant seeks to explicate the replicable practices and partnerships that enable localization of OER to benefit the constituencies that academic libraries and consortia across the country serve: their students, faculty, institutions, and larger communities. In addition to advancing the field of OER from a narrow focus on cost savings toward a broader commitment to equity and student success, the project also intends to spur national dialogue about the roles that academic libraries and consortia can play in contributing to student success through the development and sustained support of relevant, constituency-oriented instructional materials and practices.

Home / LG-254836-OLS-23

Advance | Support | Empower

Manage Your Award

Find Funding

Find Funding

- How to Apply
- Funding Opportunities
- Additional Resources

Manage Your Grant

- Guidance for Awardees
- Additional Resources

Communities & Impact

- Communities
- National Medals
- Additional Resources

About Us

- Learn About IMLS
- Work with IMLS
- Additional Resources

News & Events

- News & Announcements
- Our Work
- Events
- Webinars
- Publications

EXHIBIT B



**INSTITUTE OF MUSEUM AND LIBRARY SERVICES
ACTION MEMORANDUM**

April 8, 2025

FROM: Keith Sonderling, Acting Director

SUBJECT: Authorization for Termination of Grant(s)

Purpose:

This memorandum authorizes the termination of federal grants administered by the Institute of Museum and Library Services (IMLS), effective April 8, 2025, in alignment with the agency's updated priorities and the President's Executive Order 14238, *Continuing the Reduction of the Federal Bureaucracy*, issued on March 14, 2025.

Action:

I hereby authorize the termination of the attached federal grant(s), effective April 8, 2025, pursuant to the terms in the attached exhibit(s).

Attachment:

See the attached *Exhibit Grant Notice* for the template of the individual grant termination notice to be issued to each of the grantees.

Contact:

Questions regarding this action may be directed to grant-notices@imls.gov.

Sincerely,

Keith Sonderling

Keith Sonderling

Acting Director

ksonderling@imls.gov

955 L'Enfant Plaza SW #4000, Washington, DC 20024

Attachment: Exhibit Grant Notice



INSTITUTE OF MUSEUM AND LIBRARY SERVICES

NOTICE OF GRANT TERMINATION

April 8, 2025

Nancy O'Neill, Julia Chadwick, Celeste Denson

noneill@usmd.edu, jchadwick@usmd.edu, cdenson@usmd.edu

Dear IMLS Grantee,

This letter provides notice that the Institute of Museum and Library Services (IMLS) is terminating your federal grant (Grant Application No. LG-254836-OLS-23) effective April 8, 2025, in accordance with the termination clause in your Award Agreement.

Upon further review, IMLS has determined that your grant is unfortunately no longer consistent with the agency's priorities and no longer serves the interest of the United States and the IMLS Program. IMLS is repurposing its funding allocations in a new direction in furtherance of the President's agenda. Independently and secondly, the President's March 14, 2025 executive order mandates that the IMLS eliminate all non-statutorily required activities and functions. *See Continuing the Reduction of the Federal Bureaucracy*, E.O. 14238 (Mar. 14, 2025). Therefore, the IMLS hereby terminates your grant in its entirety effective April 8, 2025.

Please remember that your obligations under the Grant Agreement continue to apply. An audit may be conducted by IMLS after the termination of the agreement.

Please contact grant-notices@imls.gov with only urgent questions. We wish you well.

Sincerely,

/s/ Keith Sonderling

Keith Sonderling

Acting Director

ksonderling@imls.gov

955 L'Enfant Plaza SW #4000, Washington, DC 20024